

1 DAN M. WINDER, ESQ.  
2 Nevada State Bar No. 1569  
3 ARNOLD WEINSTOCK, ESQ.  
4 Nevada State Bar No. 810  
5 SCOTT C. DORMAN, ESQ.  
6 Nevada State Bar No. 13108  
7 LAW OFFICE OF DAN M. WINDER, P.C.  
3507 W. Charleston Blvd.  
Las Vegas, NV 89102  
Telephone: (702) 474-0523  
Facsimile: (702) 474-0631  
winderdanatty@aol.com  
*Attorneys for Plaintiff*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10  
11 CHARLENE BYNUM individually, as the  
12 wife of RONALD BYNUM and as the  
13 Guardian of the Person and Estate of  
RONALD BYNUM,

14 Plaintiff,  
vs.

15 CITY OF NORTH LAS VEGAS; JACOB  
16 RAY (P#1886); RODRIGO DELARA  
(P#2417); JOHN E TONRY (P#1684); JESSE  
17 LEE CESENA (P#2425); ALEXANDER  
PEREZ; JEFFREY K. LYTLE; YAPHET  
18 MILLER; ET AL.

19 Defendants.  
20

Case No.: 2:17-cv-02102-APG-VCF  
**CONSOLIDATED WITH**  
Case No.: 2:18-cv-00354-MMD-CWF

21  
**STIPULATION and ORDER  
TO  
EXTEND TIME  
FOR  
SERVICE OF PROCESS  
First Request**

22 **Plaintiff's Statement of Facts:**

23 Mr. Bynum was a 56-year-old man at the time he called the North Las Vegas Police to  
24 report a burglary in his home. Upon arrival at the scene, Mr. Bynum was behaving erratically.  
25 The North Las Vegas Police tased Mr. Bynum, threw him to the ground and hauled him to the  
26 Las Vegas jail.  
27  
28

1 Mr. Bynum was kept in the jail for 4 days. His need for mental health care was  
2 documented but not provided. During the administration of what the defendants characterized as  
3 reasonable force, he was beaten while in jail as a result of having become entangled in his  
4 chains. He suffered a heart attack and is now in a coma from which he has not recovered.

5 The Defendant Las Vegas offers no explanation as to how this healthy, 56 year old man  
6 without a cardiac history could have suffered a heart attack while in their custody. There are 41  
7 Las Vegas Correctional Officer defendants named in the case for which the City of Las Vegas  
8 has refused to accept service.

9 The Las Vegas defendants have been delivered a Notification of Litigation and  
10 Acceptance of Service pursuant to FRCP 4(d).

12 Both the Plaintiff and Defendant Las Vegas agree it is in their mutual interests to extend  
13 the time for service as they are in the process of negotiating the parties for which the City of Las  
14 Vegas will accept service.

Plaintiff has already filed a motion (# 70) for the extension of time to serve. However, to minimize the costs of litigation and streamline the course of litigation, Plaintiff and the City of Las Vegas agree that the continuance is warranted. The other parties have no objection.

## STIPULATION

20 The parties hereto stipulate and agree to extend the time for Plaintiff to serve defendants  
21 from the current date May 25, 2018 to a date 90 days therefrom, August 24, 2018.

1  
2 Dated this 23rd day of May, 2018.  
3

4 Law Office of Dan M. Winder, P.C.

5 /s/ Dan M. Winder  
6 DAN M. WINDER, ESQ.  
7 Nevada State Bar No. 1569  
8 ARNOLD WEINSTOCK, ESQ.  
9 Nevada State Bar No. 810  
10 SCOTT C. DORMAN, ESQ.  
11 Nevada State Bar No. 13108  
12 3507 W. Charleston Blvd.  
13 Las Vegas, NV 89102  
14 *Attorneys for Plaintiff*

15 Lewis Brisbois Bisgaard & Smith LLP

16 /s/Robert Freeman  
17 ROBERT W. FREEMAN, ESQ.  
18 6385 S. Rainbow Blvd., Suite 600  
19 Las Vegas, Nevada 89146  
20 *Attorneys for Defendant North Las Vegas*

21 Las Vegas City Attorney

22 /s/ John Curtas  
23 BRADFORD R. JERBIC  
24 By: City JOHN A. CURTAS  
25 Deputy City Attorney  
26 495 South Main Street, Sixth Floor  
27 Las Vegas, Nevada 89101  
28 Tel: (702) 229-6629  
Fax: (702) 386-1749  
jacurtas@lasvegasnevada.gov  
Attorneys for Defendants

29 Lewis Brisbois Bisgaard & Smith LLP

30 /s/ Brent Vogel  
31 BRENT VOGEL, ESQ.  
32 6385 S. Rainbow Blvd., Suite 600  
33 Las Vegas, Nevada 89146  
34 *Attorneys for CCS*

35 **ORDER**

36 IT IS SO ORDERED.

37 Dated this 25th day of May

38 

39 UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5, LR IC 4-1, and LR 5-1, I hereby certify that I am an employee of the  
LAW OFFICE OF DAN M. WINDER, P.C., and that on the 24th day of May, 2018, I served the  
foregoing **STIPULATION AND ORDER TO EXTEND TO FOR SERVICE OF PROCESS**  
on counsel as follows:

## This Honorable Court's CM/ECF System:

ROBERT W. FREEMAN, ESQ.  
Robert.Freeman@lewisbrisbois.com  
6385 S. Rainbow Boulevard, Suite 600 Las Vegas, NV 89118  
Tel: (702) 893-3383  
Fax: (702) 893-3789  
Attorneys for Defendants  
City of North Las Vegas

BRADFORD R. JERBIC  
By: City JOHN A. Attorney CURTAS  
Deputy City Attorney  
495 South Main Street, Sixth Floor  
Las Vegas, Nevada 89101  
Tel: (702) 229-6629  
Fax: (702) 386-1749  
[jacurtas@lasvegasnevada.gov](mailto:jacurtas@lasvegasnevada.gov)  
Attorneys for Defendants

JOHN ORR  
John.Orr@lewisbrisbois.com  
6385 S. Rainbow Blvd, Suite 600 Las Vegas, NV 89118  
Tel: (702) 893-3383  
Fax: (702) 893-3789  
Attorney for CCS

/s/ James R. Winder

Employee of the Law Office of Dan M. Winder P.C.